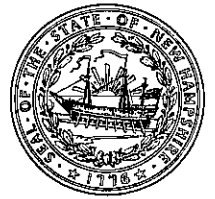




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

February 10, 2009

The Honorable Judith T. Spang, Chairman
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 538-FN, relative to penalties for water pollution


Dear Chairman Spang:

Thank you for the opportunity to comment on HB 538-FN, relative to penalties for water pollution. The Department of Environmental Services supports this bill.

The amendments proposed in HB 538-FN would increase and clarify the penalties available for certain acts that pollute surface waters. Specifically, the amendments would distinguish between pollution of surface waters that are not the source of public drinking water and those that are, and establish higher penalties for polluting drinking water supplies. The amendments also clarify that it is unlawful to put any solid waste or hazardous waste into water, on the banks, or onto ice, not just the specific wastes identified. Finally, the amendments distinguish the criminal penalty for actions that are taken recklessly (*i.e.*, without regard to potential consequences) from those for actions that are taken knowingly (*i.e.*, with knowledge of the potential consequences).

Thank you again for the opportunity to comment in support of this bill. If you have any questions, please call me at 271-3449 or Gretchen Hamel, Legal Unit Administrator, at 271-3137.

Sincerely,


for Thomas S. Burack
Commissioner

cc: Representative Kappler
Representative C. Christensen
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau